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C. Brant Cook 39,151  
Name of Attorney or Agent Registration No.  
*C. Brant Cook*  
Signature of Attorney or Agent

533 Rec'd PTO

07 JUL 2002  
#4

P&G Case 7749X

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :  
Robert Richard Dykstra et al. : Confirmation No. 3355  
Serial No. 10/069,635 : Group Art Unit not assigned  
Filed February 26, 2002 : Examiner not assigned  
For Controlled Availability of Formulation Components

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, record is being made below in a Form PTO/SB08 of documents which the Patent Office may wish to consider in connection with examination of the above-identified patent application. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case. As provided in §1.97(g), no representation is made or intended that a thorough art search was made. As provided in 37 C.F.R. §1.97(h), this Information Disclosure Statement does not constitute an admission of any kind, and specifically is not an admission that the documents listed on attached form PTO/SB08 are, or are considered to be, material to the patentability of the above-identified patent application, as defined in 37 C.F.R. §1.56(b).

1. ☐ 37 C.F.R. §1.97 (b)(1) - U.S. Direct (within 3-months of filing a regular application or converted provisional)

This information disclosure statement, submitted under 37 C.F.R. §1.97 (b)(1), is being filed within three months of the filing date of a national application. Therefore, no fee is believed to be due.

2. ☐ 37 C.F.R. §1.97 (b)(2) - Via PCT (within 3 mo. of Nat'l Stage Entry)

This information disclosure statement, submitted under 37 C.F.R. §1.97 (b)(2), is being filed within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application. Therefore, no fee is believed to be due.

3. ☒ 37 C.F.R. §1.97(b)(3) - (>3 mo. after filing direct ~~com~~at'l stage entry, but before 1<sup>st</sup> O.A.)

This information disclosure statement is being submitted under 37 C.F.R. §1.97 (b)(3). Applicants have not received an Office Action on the merits in the present application. Therefore, no fee is believed to be due. However, in the event that this paper is crossing in the mail with a first Office Action on the merits, authorization is hereby given to charge the required fee pursuant to 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p) to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. A duplicate of this letter is enclosed to facilitate charging of the fee, if necessary.

**THE FOLLOWING IS ADDITIONAL INFORMATION PERTAINING TO (2) OR (3) MARKED WITH AN (X) ABOVE.**

(a) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 indicates that both a copy of the International Search Report and copies of the references cited therein are present in the national stage file. In accordance with MPEP §1893.03(g), it is respectfully requested that the Examiner note the consideration of these references in the first Office Action via the PTO-892 form.

(b) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 indicates that a copy of the International Search Report is present in the national stage file. Copies of the references cited in that report are enclosed.

(c) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 does not indicate that a copy of the International Search Report and copies of the references cited are present in the national stage file. Copies of the International Search Report and references are attached.

4. ☐ 37 C.F.R. §1.97 (b)(4) - (before the mailing of a first Office Action after the filing of a request for continued examination under §1.114)

This information disclosure statement, submitted under 37 C.F.R. §1.97(b)(4), is being filed with the Request for Continued Examination (RCE) under 37 C.F.R. §1.114.

5. ☐ Information to be Considered with CPA Filing. This information disclosure statement is being filed with a Continued Prosecution Application (CPA) filed under 37 CFR 1.53(d).

6. ☐ 37 C.F.R. § 1.97(c) with fee payment - (use after Final Office Action & before Final Office Action or Notice of Allowance)

This information disclosure statement is being submitted under 37 C.F.R. § 1.97(c). Applicant(s) have not received a final action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application (e.g., *Ex parte Quayle*) as of the date of this submission. Applicant(s) elect to pay the fee set forth in 37 C.F.R. § 1.17(p). Please charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account Number 16-2480 in the name of The Procter & Gamble Company. A duplicate copy of this letter is enclosed to facilitate the charging of the fee.

**ADDITIONAL ITEMS TO BE NOTED BY THE EXAMINER:**

☐ (1) Copies of the cited references were previously cited by or submitted to the USPTO in prior application Case No. \_\_\_\_, U.S. Patent Application Serial No. \_\_, filed \_\_. Applicants claim priority to said application under 35 U.S.C. § 120. Accordingly, copies of those documents are not provided with this Statement, pursuant to 37 C.F.R. § 1.98(d).

OR

☒ (2) Copies of the cited documents are enclosed.

OR

☐ (3) Copies of all said documents, except document No.'s \_\_\_\_, were submitted and considered in parent application U.S. Patent Application Serial No. \_\_\_\_, filed \_\_\_\_\_. Applicant(s) claim priority to said application under 35 U.S.C. § 120. Accordingly, copies of document No.'s \_\_\_\_ are not provided with this Statement, pursuant to 37 C.F.R. § 1.98(d). Copies of document No.'s \_\_\_\_ are enclosed. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case.


☐ (4) Pursuant to 37 C.F.R. § 1.98(c), a concise explanation of the relevance of each cited reference that is not in the English language is provided.

☒ (5) Applicants also respectfully request the Examiner to consider and make of record the copending applications listed on the attached page.



Additional information is attached.

Respectfully submitted,

By   
C. Brant Cook  
Attorney or Agent for Applicant(s)  
Registration No. 39,151  
(513) 627-0079

Date: June 28, 2002

Customer No. 27752

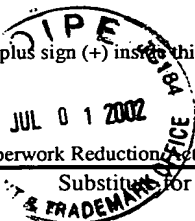
(IDS.doc)  
(Last Revised 12/7/01)

## COPENDING APPLICATIONS

Entire copies of all co-pending applications (or the portion of the application and claims that caused it to be cited) must be sent with the IDS (see 37 CFR 1.98(a)(2)(iii))

<u>Atty. Docket No.</u>	<u>Serial Number</u>	<u>Inventor(s)</u>	<u>Filing Date</u>
7752M	10/069,634	Dykstra et al	February 26, 2002
7753M	10/069,632	Dykstra et al	February 26, 2002
7754M	10/069,633	Dykstra et al	February 26, 2002
7755	10/069,628	Dykstra et al	February 26, 2002
7756X	10/069,631	Dykstra et al	February 26, 2002
7756XC	10/083,948	Dykstra et al	February 27, 2002
7757	10/069,630	Dykstra et al	February 26, 2002
7758M	10/069,629	Dykstra et al	February 26, 2002

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PTO/SB08A (10-01)

Approved for use through 10/31/2002 OMB 0651-0031  
Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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<p style="text-align: center;">Substitute for form 1449A/PTO</p> <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;">(use as many sheets as necessary)</p> <p>SHEET 1 of 2</p>	<p style="text-align: center;"><b>COMPLETE IF KNOWN</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Application Number</td> <td>10/069,635</td> </tr> <tr> <td>Confirmation Number</td> <td>3355</td> </tr> <tr> <td>Filing Date</td> <td>February 26, 2002</td> </tr> <tr> <td>First Named Inventor</td> <td>Robert Richard Dykstra</td> </tr> <tr> <td>Group Art Unit</td> <td>Not assigned</td> </tr> <tr> <td>Examiner Name</td> <td>Not assigned</td> </tr> <tr> <td>Attorney Docket Number</td> <td>7749X</td> </tr> </table>	Application Number	10/069,635	Confirmation Number	3355	Filing Date	February 26, 2002	First Named Inventor	Robert Richard Dykstra	Group Art Unit	Not assigned	Examiner Name	Not assigned	Attorney Docket Number	7749X
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First Named Inventor	Robert Richard Dykstra														
Group Art Unit	Not assigned														
Examiner Name	Not assigned														
Attorney Docket Number	7749X														

### U. S. PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. <sup>1</sup>	DOCUMENT NUMBER Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	US-5,360,568	11/1/1994	Madison et al.	
	2	US-5,360,569	11/1/1994	Madison et al.	
	3	US-5,370,826	12/6/1994	Madison et al.	
	4	US-5,576,282	11/19/1996	Miracle et al.	
	5	US-5,817,614	10/6/1998	Miracle et al.	
	6	US-5,041,232	8/20/1991	Batal et al.	
	7	US-5,045,223	9/3/1991	Batal et al.	
	8	US-5,047,163	9/10/1991	Batal et al.	
	9	US-5,310,925	5/10/1994	Batal et al.	
	10	US-5,413,733	5/9/1995	Nicholson et al.	
	11	US-5,482,515	1/9/1996	Madison et al.	
	12	US-5,550,256	8/27/1996	Madison et al.	
	13	US-5,478,357	12/26/1995	Madison et al.	
	14	US-5,442,066	8/15/1995	Madison et al.	
	15	US-5,760,222	6/2/1998	Coope	
	16	US-5,753,599	5/19/1998	Coope et al.	
	17	US-5,652,207	7/29/1997	Ghatlia	
	18	US-4,505,908	3/19/1985	Zeugner et al.	
	19	US-4,325,957	4/20/1982	Zeugner et al.	
	20	US-4,096,141	6/20/1978	Milkowski et al.	
	21	US-4,595,531	6/17/1986	Milkowski et al.	
	22	US-4,194,987	3/25/1980	Brubaker	
	23	US-5,693,603	12/2/1997	Ghatlia	
	24	US-5,710,116	1/20/1998	Miracle et al.	
	25	US-6,007,583 (equivalent to EP 909 810)	12/28/1999	Nestler	
	26	US-6,120,557 (equivalent to EP 909 810)	9/19/2000	Nestler	
	27	US-5,952,282 (equivalent to EP 825 251)	9/14/1999	Löffler et al.	

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. <sup>1</sup>	FOREIGN PATENT DOCUMENT Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	28	WO 98/23602	✓		6/4/1998	The Clorox Co.		
	29	WO 95/13352			5/18/1995	Unilever		
	30	WO 95/13353	✓		5/18/1995	Unilever		
	31	WO 95/13351			5/18/1995	Unilever		
	32	WO 97/06147			2/20/1997	Unilever		
	33	WO 98/23717			6/4/1998	Unilever		
	34	WO 98/15535			4/16/1998	Fujisawa Pharm.		
	35	WO 95/28399			10/26/1995	Glaxo Wellcome Inc.		
	36	WO 98/07825			2/26/1998	Unilever		
	37	CA 1,122,980 (equivalent to EP 004 024)			5/4/1982	Kalie-Chemie Pharm.		

### OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIALS*	Cite No.	Include name of the author (if in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, country where published	T <sup>6</sup>
	88	H. Böhm et al., <i>Über Derivate des 1,2,3,4,5-Pentahydro-2-benzazepins</i> , <i>J. Pharm.</i> , Vol. 306 (4), 1972, pp. 271-274	
EXAMINER	JUL 01 2002	DATE CONSIDERED	

EXAMINER: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, D.C. 20231.